Applicant respectfully traverses this rejection as the subject matter of claims 28 and 41 is clearly supported at numerous places throughout Applicant's specification, including original claim 14. For example, the fourth full paragraph on page 4 discusses receiving "second control signals" "in response to a request from said first apparatus." Although this paragraph is directed to an embodiment in which the first apparatus receives the second control signals from one or more second remote control devices, in other embodiments, these second control signals may also be received from the broadcast medium, as described at page 5, first full paragraph, page 6, second full paragraph, page 10, first full paragraph, page 15, third full paragraph, and page 16, second full paragraph. For example, the receipt of second control signals from the broadcast medium is clearly described in the second full paragraph on page 16, wherein the application states that the control signals may be downloaded from the broadcast medium in a manner the same or similar to teletext, wherein the user selects which "slave" apparatus is to be controlled by the master device, and in response to such a selection, the master device downloads the proper control signals from the broadcast medium. Accordingly, in light of the clear support for the subject matter of claims 28 and 41 throughout Applicant's specification and in claim 14 as originally filed, it is respectfully requested that rejection of claims 28 and 41 under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 1 and 32 under 35 U.S.C. §103(a) as being unpatentable over Tsurumoto (4,817,203) in view of Kwoh (5,852,478). Applicant respectfully traverses this rejection.

No Motivation to Combine the References

The rejection of claims 1 and 32 is improper because there is no motivation to combine the Tsurumoto and Kwoh references, let alone combine them in the manner asserted in the office action.

Kwoh discloses a programming device for programming a VCR which uses an IR transmitter to transmit programming information entered by a user, in the form of G-Codes, to the VCR (col. 6, lines 7-16). To verify that the user has correctly entered the programming

information (i.e., the G-Code), the programming device extracts VPS signals, which contain television program information, from the vertical blanking intervals of the television signal and compares the VPS information to the programming information entered by the user (col. 7, lines 1-57). The programming device receives the television signal over a cable that runs between the VCR and the programming device (Col. 5, lines 21-29).

The Office Action asserts that the transmission of a television signal from a broadcast medium to a VCR and from the VCR to a programming device, as disclosed by Kwoh, assists a user in programming a VCR to record a television program. The Office Action further asserts that it would have been obvious to combine the Tsurumoto and Kwoh references to obtain the benefit of assisting a user in programming a VCR. Applicant respectfully disagrees with this assertion.

Tsurumoto is directed to a remote control system for controlling multiple devices with a single remote control. No motivation exists to combine Tsurumoto with a reference directed to assisting a user in programming a VCR and indeed, no such motivation is disclosed or suggested in either of the two references, as the references are directed to entirely different problems. Tsurumoto is directed to reducing the number of remote control devices and the number of buttons and switches on a remote control device. In contrast, Kwoh is directed to assisting a user in a programming a VCR by allowing a VCR not adapted for the use of G-codes to be programmed with G-codes via the remote programming device and by allowing the remote programming device to verify correct entry of G-codes using VPS information embedded in the television signal. While Applicant does not dispute that if one of skill in the art were motivated and taught how to combine the system of Kwoh with that of Tsurumoto, the combination might make it easier for a person using the system of the Tsurumoto to program a VCR, such a motivation is entirely absent in either of the references. Nowhere does Tsurumoto disclose or suggest any problem relating to the programming of VCRs and indeed there is nothing in Tsurumoto to indicate any sort of deficiency in the art of VCR programming. Similarly, Kwoh does not disclose or suggest any problem relating to the number of remote controls or the number of buttons and switches on these remote controls. In short, each of the references is directed to solving distinctly different problems, and nowhere in either reference is there any motivation for combination with the other reference.

More significantly, Tsurumoto explicitly teaches away from combination with Kwoh. Kwoh teaches the use of an additional remote control device (i.e., the programming device) to allow a VCR not adapted for the use of G-codes to be programmed with G-codes via the remote programming device and to allow the remote programming device to verify correct entry of G-codes using VPS information embedded in the television signal. In contrast, Tsurumoto teaches reducing the number of remote control devices (indeed, that is the purpose of the remote commander 8 of Tsurumoto which is capable of controlling different types of devices with a single remote) and reducing the number of buttons thereon (and in particular, to omitting the requirement of the selection switch 21). One of ordinary skill in the art would not combine the functionality of Kwoh with that Tsurumoto, because to do so would require an additional button for such functionality, and Tsurumoto explicitly teaches against such modification (see col. 4, lines 14-19). Accordingly, because Tsurumoto teaches away from combination with Kwoh, the rejection of claims 1 and 32 under 35 U.S.C. §103(a) based thereon is improper and should be withdrawn.

The Combination Does Not Teach All Limitations of the Claims

Assuming, *arguendo*, that one were to combine the Kwoh and Tsurumoto references, many limitations of claims 1 and 32 would not be taught.

For example, the references, taken alone or in combination, fail to teach the limitation of claim 1 that recites "receiving at said first apparatus, second control signals from said broadcast medium that are associated with a second remote control device that is distinct from the first remote control device, said second apparatus being operatively responsive to said second control signals." The Office Action asserts that Kwoh discloses the use of the broadcast medium to send signals to a first device that are then transmitted to the second device for control of the second device. Applicant respectfully disagrees with this assertion.

As discussed above, Kwoh discloses receiving a broadcast television signal at a VCR, and then providing this television signal to the remote programming device via a cable. The Office Action apparently equates the VCR of Kwoh with Applicant's recited "first apparatus" and the remote programming device with Applicant's recited "second apparatus." Applicant respectfully points out that as recited in claim 1, each of the first and second apparatus are

operatively responsive to control signals from a respective remote control device. In contrast, the remote programming device of Kwoh is not associated with a remote control device, nor is it "operatively responsive to said second control signals" as recited in claim 1. That is, although the television signal disclosed in Kwoh may include additional data or information, such as the VPS information, the VPS information is used to program the VCR (i.e., the asserted "first device" or apparatus) and is not used to control the programming device (i.e., the asserted "second device" or apparatus).

The references also fail to disclose or suggest the limitation of claim 1 directed to storing the second control signals, received from the broadcast medium, in the first apparatus. Applicant does not dispute that Tsurumoto discloses storing remote control signal codes stored in a memory 23 of television set 4. However, Tsurumoto fails to disclose or suggest how the codes are stored in the memory. Tsurumoto merely discloses that codes are stored in the memory, but provides no disclosure or suggestion of how they were input into the memory. By contrast, claim 1 recites "receiving, at said first apparatus, second control signals from said broadcast medium that are associated with a second remote control device that is distinct from the first remote control device, said second apparatus being operatively responsive to said second control signals" and "storing said second control signals in said first apparatus." Thus, claim 1 requires that second control signals received over a broadcast medium be stored in the first apparatus. No such disclosure or suggestion can be found in Tsurumoto. Likewise, Kwoh discloses extracting VPS codes from a television signal, however there is no disclosure or suggestion that these codes are stored anywhere. Thus, the references, taken alone or in combination fail to teach this limitation of claim 1.

Next, as the Office Action admits, the references do not disclose the limitation of claim 1 directed to "wirelessly transmitting said accessed second control signals from said first apparatus to said second apparatus to remotely control said second apparatus responsive to selected ones of said first control signals received from said first remote control device." The Office Action asserts, however, that it would have been obvious to one of ordinary skill in the art to convert the wired connection of Tsurumoto to a wireless connection. Applicant respectfully disagrees with this assertion. The Office Action fails to provide any motivation for modifying the Tsurumoto reference in this manner. Although Applicant does not dispute that wireless communications

systems are well known, there are many considerations one must make in designing a wireless system, such as whether a line of sight path is needed (e.g., as in infrared communications), noise and interference considerations, and security considerations. Indeed, wireless communications may not be suitable for some applications despite the fact they provide the advantages of "no need to run cables and ease of setting up communication networks." Accordingly, while there may be advantages to using wireless connections, there are numerous disadvantages as well, and absent some motivation of record to modify the Tsurumoto reference in this manner, this aspect of claim 1 patentably distinguishes over the combination of Tsurumoto and Kwoh.

Finally, the references fail to disclose or suggest two distinct remote control devices, as required by claim 1. The Office Action asserts that when the slide switch of the remote controller in Tsurumoto is moved from one position to another, a distinct remote control is created. Applicant does not dispute that when the slide switch on the remote controller of Tsurumoto is moved from one position to another, different functionality is imparted to the remote controller. However, to assert that a single physical device constitutes a distinctly different device when a switch is in one position versus another is improper; irrespective of the position of the selection switch, there is but one physically distinct device. Moreover, in connection with claim 1, first and second remote control devices that are operatively responsive are required, and this is not possible in the interpretation set forth in the Office Action. Specifically, in the remote controller of Tsurumoto, the remote controller is either operating according to functionality associated with position A or is operating according to functionality associated with position B; it cannot operate as two distinct devices.

Moreover, the strained interpretation that the single remote controller of Tsurumoto constitutes two distinct devices ignores the clear and explicit disclosure of Tsurumoto. The background section of Tsurumoto discloses that prior art remote controllers (i.e., commander 8 in Figure 2) include such slide switches. As noted at column 3, line 26 of Tsurumoto, the selection switch of the commander 8 shown in Figure 2 (i.e., the prior art) is omitted from commander 8 of the preferred embodiment shown in Figure 1. As a result, the remote controller of the preferred embodiment of Tsurumoto does not even have a selection switch. However, it is this preferred embodiment of Figure 1 which the Office Action alleges discloses other limitations of the claim (e.g., memory 23 and code converter 22) necessary to support the assertion of obviousness.

Thus, the Office Action attempts to combine the prior art embodiment of Figure 2 disclosed by Tsurumoto, which discloses a slide switch on the remote controller, with the preferred embodiment of Figure 1 disclosed by Tsurumoto, which explicitly teaches the omission of the slide switch but discloses additional features such as memory 23 and code converter 22. Such a combination is improper because Tsurumoto clearly teaches away from the embodiment of Figure 2. Specifically, Tsurumoto discloses that the object of adding features such as the memory 23 and the code converter 22 is to reduce the number of keys and switches on the remote controller, and in particular, the selection switch 21 of Figure 2 (see col. 4, lines 14-19). Indeed, in Tsurumoto, the express purpose of adding a memory 23 and a code converter 22 is to eliminate the slide switch 21 of Figure 2. Thus, Tsurumoto expressly teaches away from the presence of a slide switch 21 when memory 23 and code converter 22 are present.

The Office Action further asserts that it is inherent that each separate device would have its own separate and distinct remote controller because each device necessarily includes a remote controller provided by the manufacturer. Applicant respectfully disagrees with these assertions. MPEP §2112 states that "in relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the prior art (MPEP §2112, page 2100-52, Eighth Ed.)." Furthermore, as also stated in the MPEP, "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic (Id., page 2100-51)." Applicant does not dispute that certain devices may include remote controls provided by the manufacturer, but this is not necessarily the case. For example, some manufacturers require a consumer to purchase the remote control separately from the device, such that purchasing the remote control is optional and the remote control is not necessary for operation of the device. Additionally, the system of Tsurumoto could be used with devices whose remote controls are lost or broken. Consequently, the presence of a second remote control device is not inherent in Tsurumoto.

For at least each of the above discussed reasons, claim 1 patentably distinguishes over Tsurumoto and Kwoh, taken alone or in combination. Accordingly, it is respectfully requested that rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 23-31 and 41 depend from claim 1 and are patentable for at least the same reasons as discussed above in connection with claim 1. Accordingly, it is respectfully requested that the rejection of claims 23-31 and 41 under 35 U.S.C. §103(a) be withdrawn.

Because, as discussed above, the Tsurumoto and Kwoh references are not combinable, the rejection of claim 32 is also improper. Claim 32 also includes limitations which are not disclosed by the Tsurumoto and Kwoh references, even when combined in the asserted manner.

As discussed above, Tsurumoto and Kwoh taken alone or in combination, fail to disclose or suggest "storage means for storing said second control signals," as recited by claim 32. As also discussed above, Tsurumoto does not disclose the storage of second control signals received from a broadcast medium. Further, as discussed above, the references also fail to disclose or suggest transmitting means "operative to wirelessly transmit said accessed second control signals." Lastly, the references fail to disclose or suggest a second remote control device distinct from the first remote control device. Thus, claim 32 patentably distinguishes over Tsurumoto and Kwoh, taken alone or in combination. Accordingly, it is respectfully requested that rejection of claim 32 under 35 U.S.C. §103(a) be withdrawn.

Claims 33-35 depend from claim 32 and are patentable for at least the same reasons as discussed above in connection with claim 32. Accordingly, it is respectfully requested that the rejection of claims 33-35 under 35 U.S.C. §103(a) be withdrawn.

The Office Action rejected claim 36 under 35 U.S.C. §103(a) as unpatentable over Tsurumoto in view of Kwoh and further in view of Geiger. Applicant respectfully traverses this rejection.

The rejection of claim 36 is improper as Tsurumoto and Kwoh are not combinable, as discussed above. Thus, Tsurumoto and Kwoh are also not combinable with Geiger. Further, Geiger does not cure the infirmities of Tsurumoto and Kwoh with respect to the limitations of claim 36 which are not disclosed in any of the references. For example, none of the references disclose that the "first remotely controlled apparatus wirelessly transmits said second control signals to said second remotely controlled apparatus based on said signals received from the broadcast medium." Further, none of the references disclose a "second remote control device that is distinct from the first remote control device." Thus, claim 36 patentably distinguishes

over Tsurumoto, Kwoh, and Geiger, taken alone or in combination. Accordingly, it is respectfully requested that the rejection of claim 36 under 35 U.S.C. §103(a) be withdrawn.

Claims 37-41 depend from claim 36 and are patentable for at least the same reasons as discussed above in connection with claim 36. Accordingly, it is respectfully requested that the rejection of claims 37-41 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believed, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge the deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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By _____

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